

JC06 Rec'd PCT TO 12 AUG 2005



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18 JAN 2005

Legal Staff
International Division

DOCKET NO.: 4004-063-30 NATL

ASSISTANT COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA, VA 22313-1450

Re: Serial No.: 10/516,597
Applicant(s): Etienne DEGAND, et al.
Filing Date: December 3, 2004
For: HEATABLE GLAZING PANEL
Group Art Unit:
Examiner: Shakeel Ahmed

SIR:

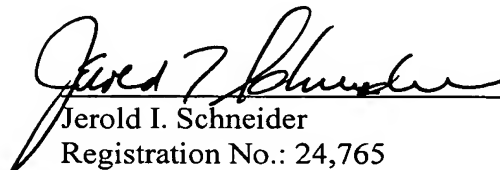
Attached hereto for filing are the following papers:

Request for Reconsideration
Notification of Missing Requirements Under 35 .S.C. 371 in the United States
Designated/Elected Office (DO/EO/US) (Return Copy)

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary extension of time to make the filing of the attached documents timely, please charge or credit the difference to Deposit Account No. 50-1442. Further, if these papers are not considered timely filed, then a request is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

DLA PIPER RUDNICK GRAY CARY US LLP


Jerold I. Schneider
Registration No.: 24,765



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/516,597	Etienne Degand	4004-063-30 NATL

INTERNATIONAL APPLICATION NO.

PCT/EP03/50213

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I.A. FILING DATE	PRIORITY DATE
06/04/2003	06/05/2002

1 0005

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 International Division

CONFIRMATION NO. 8558
 371 FORMALITIES LETTER
 OC000000016216686
 OC000000016216686

Date Mailed: 06/15/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/03/2004
- Copy of the International Search Report filed on 12/03/2004
- Preliminary Amendments filed on 12/03/2004
- Oath or Declaration filed on 04/08/2005
- Request for Immediate Examination filed on 12/03/2004
- U.S. Basic National Fees filed on 12/03/2004
- Priority Documents filed on 12/03/2004

DLA PIPER RUDNICK
 GRAY CARY US LLP

JUN 16 2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - does not identify the application to which it is directed.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

DOCKETED

BY Juli DATE 6/21/05DUE DATE 8/15/05

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/516,597	PCT/EP03/50213	4004-063-30 NATL

FORM PCT/DO/EO/905 (371 Formalities Notice)

DOCKET NO.4004-063-30 NATL

**PATENT COOPERATION TREATY
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

IN APPLICATION OF: Etienne DEGAND, et al.
International Application No. PCT/EP03/50213
International Filing Date 4 June 2003
Priority Date 5 June 2002
U.S. Application No. 10/516,597
FOR: HEATABLE GLAZING PANEL

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1 8 JAN 2006

Legal Staff
International Division

REQUEST FOR RECONSIDERATION

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COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA, VA 22313-1450

SIR:

This is in response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed June 15, 2005. For the reasons set forth below, Applicants submit that, in fact, there has been timely compliance with the requirements, there are no "missing" requirements, and that Applicants are entitled to the 371 date as of the date of entry into the U.S. National Stage of December 3, 2004.

In support of this Response Applicants submit the following explanation.

1. On April 8, 2005, Applicants filed a Declaration in this National Stage Application. At the top of the page the Declaration clearly and unambiguously identifies the application as PCT/EP03/50213.
2. 37 C.F.R. 1.63 (b)(1) requires the oath or declaration to identify the application to which it is directed. The Declaration does so. At a minimum, therefore, the Declaration filed in this National Stage Application is acceptable as of April 8, 2005.

3. The Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) specifically refers to 37 C.F.R. 1.497 (a) and (b). The first of these sections, 1.497(a), at subsection (a)(2) requires identification of the application to which it is directed. The Declaration does so. There is no requirement in 37 C.F.R. 1.497 (a) or (b) that the date of the application be provided.

4. To the best knowledge of the undersigned, the Declaration filed on April 8, 2005, in the U.S. National Stage application was previously filed in the International Application on or about August 2003. This is within the time frame contemplated by 37 C.F.R. 1.497 (a) and PCT Rule 26ter.1, namely, within 16 months from the priority date of June 5, 2002. In any event, under PCT Rule 26ter.1, the 16 month time limit is extended if technical arrangements for publication have not commenced. (Publication of the international application did not occur until 18 December 2003.)

5. Further, PCT Rule 26ter.2(b) indicates that late-filed declarations shall be handled in accordance with the PCT Administrative Instructions. Under PCT Administrative Instruction 419, a Declaration filed after the applicable time limit is to be returned to the applicant. To the best knowledge of the undersigned, the Declaration filed in the International Application has not been returned.

6. Accordingly, the signed English language Declaration was filed (in the International Application) within 30 months of the priority date (and prior to the entry into the U.S. National Stage) and no surcharge is required.

Reconsideration and withdrawal of the requirements of

(a) a second declaration, or a declaration identifying the application (international or national stage) by both date and number, and

(b) a surcharge
are respectfully traversed.

As required, a copy of the Notification of Missing Requirements Under 35 U.S.C. 371
in the United States Designated/Elected Office (DO/EO/US) accompanies this Request for
Reconsideration.

Respectfully submitted,

DLA PIPER RUDNICK GRAY CARY US LLP

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